REMARKS

I. Allowable Subject Matter

Applicant acknowledges that the Notice of Allowance indicated to Applicant on 6/24/04 has been vacated for reasons given in the Office Action mailed on 1/25/05. Based on the documents and remarks submitted herein, Applicant has addressed all issued cited by the Office Action mailed on 1/25/05. The application is now in condition for allowance and Applicant respectfully requests the application be allowed.

II. Double Patenting

Applicant submits a terminal disclaimer in compliance with 37 CFR 1.321(c). See attached Appendix A. The terminal disclaimer overcomes the rejection based on non-statutory double patenting. See 37 CFR 1.130(b). Applicant requests withdrawal of the rejection based on judicially created doctrine of double patenting over claims 1 and 8-13 of U.S. 5,214,688. Applicant respectfully requests that claims 93-101 be allowed.

III. Claims Rejections based on 35 U.S.C. § 251

   A. Response to Section (a) and (b)

Applicant has submitted a supplemental oath and declaration. See attached Appendix B. The oath and declaration submitted herein reference the parent application serial number 08/449,887. The oath and declaration of a continuation application filed under 37 CFR 1.53(b) may be filed with a copy of the oath or declaration from the prior non-provisional application. See 37 CFR 1.63(d)(1)(iv). The parent application serial number 08/449,887 is concurrent with the continuation application serial number 09/437,414 containing claims 1-92 as amended in the Amendment and Response filed on September 26, 2002.

B. Response to Section (c)

Each completed supplemental oath and declaration submitted herein references the inventors in the heading reciting "In re Reissue Application of Aleksander Szlam, James W. Crooks, Jr., and Dean H. Harris". In the body of the oath and declaration submitted herein, the inventor acknowledges the list of inventors in the first sentence, "As an above-named inventor..."

C. Response to Section (d) and (e)

In the body of the supplemental oath and declaration submitted herein, the inventor acknowledges that all errors up until the filing of the current declaration occurred without

deceptive intent. The fourth paragraph of the supplemental oath and declaration recites, "I further declare that all errors corrected by this reissue application arose without deceptive intention on my part." The supplemental declaration also satisfies 37 CFR § 1.63 and § 1.175.

D. Response to Section (1f)

The Office action requests that the Applicant submit the parent application and amendments and arguments made during the prosecution of the parent application. Applicant respectfully submits the parent application and amendments and arguments made during the prosecution of the parent application in Appendix C.

E. Response to Section (2f)

The first paragraph of the parent reissue patent is being amended via Certificate of Correction to comply with MPEP § 1451. See Appendix D. The current application 09/437,414 was amended in the Preliminary Amendment filed on July 11, 2000 to comply with MPEP § 1451.

F. Response to Section (3f)

Applicant submits amendment A submitted on 7/11/00, amendment B submitted on 10/1/02, and Examiner amendments complying with 37 CFR 1.173(b) in Appendix E.

G. Response to Section (4f)

Applicant surrendered the original Patent in the parent reissue application serial number 08/449,887.

H. Response to Section (5f)

The Assent and Certificate under 37 CFR 3.73(b) filed on November 10, 1999 were not defective. Inventions, Inc. was the current assignee of the application and Aleksander Szlam was president of Inventions, Inc. at the time the Assent and Certificate under 37 CFR 3.73(b) were filed on November 10, 1999. The application remained assigned to Inventions, Inc. until May 15, 2003 at which time the application was assigned to the current assignee CIM, LTD.

I. Response to Section (6f)

The references considered in the parent patent application have been provided in the Information Disclosure statement filed on October 1, 2002 and considered on 11/13/03 by Examiner Allan Hoosain.

III. Conclusion

The Examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the
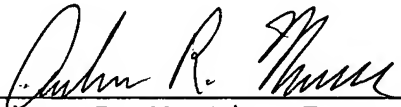
present application.

Respectfully submitted,

Szlam et al.

By _____

Andrew R. Martin, Esq.
Registration No. 45,413
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: April 25, 2005

Appendix A

Appendix B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)

Aleksander Szlam, James W. Crooks, Jr.,)
and Dean H. Harris   )

)   Group Art Unit: **2608**

Serial No. **08/449,887**   )

Filed: **May 25, 1995**   )

For: **METHOD AND APPARATUS FOR**)
      DYNAMIC AND INTERDEPENDENT)
      PROCESSING OF INBOUND CALLS)
      AND OUTBOUND CALLS)

SECOND SUPPLEMENTAL DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

As an above-named inventor, I, Aleksander Szlam, hereby declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention I hereby apply for a reissue patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error which arose without any deceptive intention on my part by reason of claiming less than I had a right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically

based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-92.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee. These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. These possible deficiencies were brought to my attention in connection with these licensing negotiations, which I attended. Although detailed information as to the operation of the competitor's product was not provided by the competitor at the time of the negotiations, and still has not been provided by the competitor, it is now believed that the competitor's product operates in a manner similar to that described in U.S. Patent No. 5,586,179, issued December 17, 1996.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus which adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus which allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more

important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which

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are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

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New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to

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the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work

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station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

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New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching

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means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls in response to the rate of placement; (4) responds to a detection means detecting the answering of outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 89 is an apparatus for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 89 requires a controller, coupled to the ACD, which: (1) determines the number of incoming calls on hold; (2) responds to that number by directing a dialer to place an outbound telephone call to a called party; (3) responds to an operator being available for directing the ACD to connect the answered outbound telephone call to the work station of the available operator; (4) establishes a data signal path between a database containing called party data and the work station of the available operator; and (5) retrieves and transfers called party data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 90 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 90 requires the steps of: (1) determining the number of incoming calls on hold; (2) providing a dialer-controller which is coupled to the ACD; (3) responding to the number of incoming calls on hold by placing an outbound telephone call to a predetermined number; (4) detecting an answered outbound telephone call; (5) responding to detection of the outbound telephone call being answered and to an operator being available by directing the ACD to connect the answered outbound telephone call to the work station of said available operator; (6) establishing a data signal path between the dialer-controller and that work station; and (7) retrieving and transferring, to that work station, data associated with and concerning the called party. These steps are not specifically present in the existing claims.

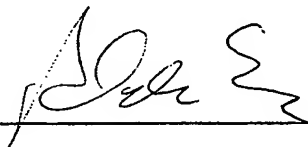New claim 91 is an apparatus for integrating outbound calling and telephone system

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control to an automatic call distributor (ACD) . There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 91 requires a controller, coupled to the ACD, which: (1) detects an available operator; (2) directs the ACD to connect an answered outbound telephone call to the work station of that operator; (3) establishing a data signal path between a data base and that work station; (4) retrieving data from the data base for the called party for that answered outbound call and transferring the data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 92 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 92 requires the steps of: (1) providing a dialer which is coupled to the ACD for placing an outbound telephone call; (2) providing a controller which is coupled to the ACD and the dialer for determining the number of incoming calls on hold; (3) responding to that number by placing an outbound telephone call with the dialer to the telephone number of a called party; (4) detecting the outbound telephone call being answered; (5) placing the answered outbound telephone call in a hold queue; (6) directing the ACD to connect that answered outbound telephone call to a work station of an available operator; (7) establishing a data signal path between a data storage device and that work station; and (8) retrieving and transferring data about the called party to that work station from the data storage device. These steps are not specifically present in the existing claims.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.
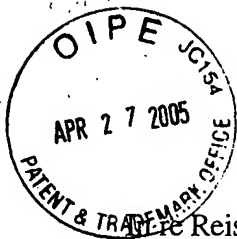
Full name of sole or first inventor: Aleksander Szlam
Citizenship: U.S.A.
Residence: 4321 Hammerstone Court, Norcross, Georgia 30092
Post Office Address: Same as above

Inventor's Signature _____   Date April 23, 1993

Our Docket: 09280-0311

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Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Reissue Application of:)
)
Aleksander Szlam, James W. Crooks, Jr.,)
and Dean H. Harris)
)   Group Art Unit: **2608**
Serial No. **08/449,887**)
)
Filed: **May 25, 1995**)
)
For: **METHOD AND APPARATUS FOR**)
       DYNAMIC AND INTERDEPENDENT)
       PROCESSING OF INBOUND CALLS)
       AND OUTBOUND CALLS)

SECOND SUPPLEMENTAL DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

As an above-named inventor, I, Dean H. Harris, hereby declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention I hereby apply for a reissue patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error which arose without any deceptive intention on my part by reason of claiming less than I had a right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically

based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-92.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee. These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. I was not part of the licensing negotiations but these possible deficiencies were brought to my attention by the assignee.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus which adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus which allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls

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to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls;

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(2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims

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which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are

needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound

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calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching

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means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls

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in response to the rate of placement; (4) responds to a detection means detecting the answering of outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 89 is an apparatus for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 89 requires a controller, coupled to the ACD, which: (1) determines the number of incoming calls on hold; (2) responds to that number by directing a dialer to place an outbound telephone call to a called party; (3) responds to an operator being available for directing the ACD to connect the answered outbound telephone call to the work station of the available operator; (4) establishes a data signal path between a database containing called party data and the work station of the available operator; and (5) retrieves and transfers called party data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 90 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 90 requires the steps of: (1) determining the number of incoming calls on hold; (2) providing a dialer-controller which is coupled to the ACD; (3) responding to the number of incoming calls on hold by placing an outbound telephone call to a predetermined number; (4) detecting an answered outbound telephone call; (5) responding to detection of the outbound telephone call being answered and to an operator being available by directing the ACD to connect the answered outbound telephone call to the work station of said available operator; (6) establishing a data signal path between the dialer-controller and that work station; and (7) retrieving and transferring, to that work station, data associated with and concerning the called party. These steps are not specifically present in the existing claims.

New claim 91 is an apparatus for integrating outbound calling and telephone system control to an automatic call distributor (ACD) . There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 91 requires a controller, coupled to the ACD, which: (1) detects an available operator; (2) directs the ACD to connect an answered outbound telephone call to the work station of that
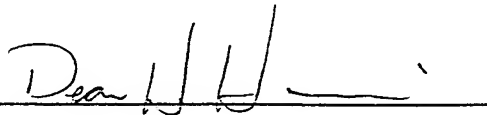
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operator; (3) establishing a data signal path between a data base and that work station; (4) retrieving data from the data base for the called party for that answered outbound call and transferring the data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 92 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 92 requires the steps of: (1) providing a dialer which is coupled to the ACD for placing an outbound telephone call; (2) providing a controller which is coupled to the ACD and the dialer for determining the number of incoming calls on hold; (3) responding to that number by placing an outbound telephone call with the dialer to the telephone number of a called party; (4) detecting the outbound telephone call being answered; (5) placing the answered outbound telephone call in a hold queue; (6) directing the ACD to connect that answered outbound telephone call to a work station of an available operator; (7) establishing a data signal path between a data storage device and that work station; and (8) retrieving and transferring data about the called party to that work station from the data storage device. These steps are not specifically present in the existing claims.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor: Dean H. Harris
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Post Office Address: Same as above

Inventor's Signature _____   Date _5 May 98_

Our Docket: 09280-0311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)
	)
Aleksander Szlam, James W. Crooks, Jr.,	)
and Dean H. Harris	)
	)
Serial No. **08/449,887**	) Group Art Unit: **2608**
	)
Filed: **May 25, 1995**	)
	)
For: **METHOD AND APPARATUS FOR**	)
DYNAMIC AND INTERDEPENDENT	)
PROCESSING OF INBOUND CALLS	)
AND OUTBOUND CALLS	)

SECOND SUPPLEMENTAL DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

As an above-named inventor, I, James W. Crooks, Jr., hereby declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention I hereby apply for a reissue patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error which arose without any deceptive intention on my part by reason of claiming less than I had a right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically

based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-92.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee. These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. I was not part of the licensing negotiations but these possible deficiencies were brought to my attention by the assignee.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus which adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus which allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls

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to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls;

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(2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims

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which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are

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needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound

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calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching

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means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls

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in response to the rate of placement; (4) responds to a detection means detecting the answering of outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 89 is an apparatus for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 89 requires a controller, coupled to the ACD, which: (1) determines the number of incoming calls on hold; (2) responds to that number by directing a dialer to place an outbound telephone call to a called party; (3) responds to an operator being available for directing the ACD to connect the answered outbound telephone call to the work station of the available operator; (4) establishes a data signal path between a database containing called party data and the work station of the available operator; and (5) retrieves and transfers called party data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 90 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 90 requires the steps of: (1) determining the number of incoming calls on hold; (2) providing a dialer-controller which is coupled to the ACD; (3) responding to the number of incoming calls on hold by placing an outbound telephone call to a predetermined number; (4) detecting an answered outbound telephone call; (5) responding to detection of the outbound telephone call being answered and to an operator being available by directing the ACD to connect the answered outbound telephone call to the work station of said available operator; (6) establishing a data signal path between the dialer-controller and that work station; and (7) retrieving and transferring, to that work station, data associated with and concerning the called party. These steps are not specifically present in the existing claims.

New claim 91 is an apparatus for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 91 requires a controller, coupled to the ACD, which: (1) detects an available operator; (2) directs the ACD to connect an answered outbound telephone call to the work station of that

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operator; (3) establishing a data signal path between a data base and that work station; (4) retrieving data from the data base for the called party for that answered outbound call and transferring the data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 92 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 92 requires the steps of: (1) providing a dialer which is coupled to the ACD for placing an outbound telephone call; (2) providing a controller which is coupled to the ACD and the dialer for determining the number of incoming calls on hold; (3) responding to that number by placing an outbound telephone call with the dialer to the telephone number of a called party; (4) detecting the outbound telephone call being answered; (5) placing the answered outbound telephone call in a hold queue; (6) directing the ACD to connect that answered outbound telephone call to a work station of an available operator; (7) establishing a data signal path between a data storage device and that work station; and (8) retrieving and transferring data about the called party to that work station from the data storage device. These steps are not specifically present in the existing claims.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor: James W. Crooks, Jr.
Citizenship: U.S.A.
Residence: ~~3806 Ashford Knoll, Atlanta, GA 30319~~ 3441 WESTHAMPTON
Post Office Address: Same as above WAY, GAINESVILLE, GA 30506

Inventor's Signature _____   Date May 7, 1998

Our Docket: 09280-0311

Appendix C
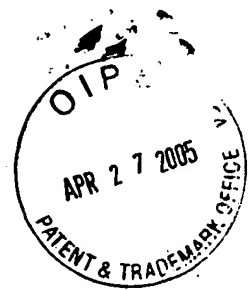
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Aleksander Szlam, James W. Crooks, Jr., and)
Dean H. Harris)
)
Serial No. 08/449,887)
)
Filed: May 25, 1995)
)
For: METHOD AND APPARATUS FOR DYNAMIC AND)
INTERDEPENDENT PROCESSING OF INBOUND)
CALLS AND OUTBOUND CALLS)

FORWARDING OF DOCUMENTS FOR RECONSTRUCTION OF PATENT APPLICATION FILE

Commissioner of Patents & Trademarks
Attn.: Ms. Verlene Green
Crystal Park 2, Room 3A21
2121 Crystal Drive
Arlington, VA 22204

RE: **Reconstruction Of File For Reissue Patent Application No. 08/449,887**
for US Patent No. 5,214,688 entitled "Method And Apparatus For Dynamic
And Interdependent Processing Of Inbound Calls And Outbound Calls"
by Aleksander Szlam et al.
Our File: 031041.009

Dear Ms. Green:

Pursuant to our telephone conferences earlier this week regarding reconstruction of the

subject reissue patent application, enclosed are a copy of all correspondence to the Patent Office, a

copy of all correspondence from the Patent Office, and a copy of all art cited or provided in this case.

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The documents are arranged in three parts: (1) Correspondence to or from the Patent Office, arranged in chronological order with the most current correspondence being on top; (2) Art consisting of US Patents; and (3) Art consisting of other documents which are not US Patents.

The undersigned, being a registered practitioner before the US Patent Office, does hereby certify that these copies are true and correct copies of the above correspondence and art.

Please call me and confirm receipt of these documents.

I would also appreciate your advising me and to when the file will be reconstructed, and to whom the reconstructed file will be passed.

Please do not hesitate to call me at (404) 815-3737 if there is any additional information that you need or if there is any way that I can be of assistance to expedite processing of this reissue application.

Respectfully submitted,

Charles L. Warner II
Reg. No. 32, 320
February 5, 1999

Smith, Gambrell & Russell, LLP
Promenade II, Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309-3592
Atty. Docket: 031041.009
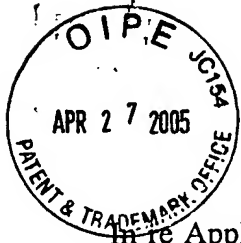
Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Aleksander Szlam, James W. Crooks, Jr., and)	
Dean H. Harris)	
)	
Serial No. 08/449,887)	Examiner Huyen Le
)	
Filed: May 25, 1995)	Art Unit: 2608
)	
For: METHOD AND APPARATUS FOR DYNAMIC AND)	
INTERDEPENDENT PROCESSING OF INBOUND)	
CALLS AND OUTBOUND CALLS)	

RULE 116 AMENDMENT AND RESPONSE
REVOCATION OF PREVIOUS POWERS OF ATTORNEY
CHANGE OF ADDRESS FOR FUTURE CORRESPONDENCE
NOTICE OF STATEMENT UNDER 37 CFR 3.73(b)
RECORD OF TELEPHONE CONFERENCE

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:
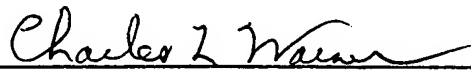
RULE 116 AMENDMENT
Enclosed are Second Supplemental Declarations for each of the named inventors.

REMARKS
The amendment above and the remarks herein are submitted as a complete response to the Office Action mailed March 27, 1998. Claims 1-92 are pending.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on June 9, 1998.

Charles L. Warner II - Reg. No. 32,320

<u>Item 1.</u>   The Patent Office stated that the reissue oath or declaration originally filed failed to state that the errors arose without any deceptive intention on the part of the applicant, and that the Supplemental Declaration fails to state that all errors corrected by this reissue arose without deceptive intention. Accordingly, a Second Supplemental Declaration from each named inventor is enclosed which has the specified language.

<u>Item 2.</u>   The Patent Office rejected Claims 1-92 as being based upon a defective reissue declaration under 35 U.S.C. §251 as set forth above. The Second Supplemental Declarations submitted herewith correct this problem. Accordingly, it is believed that all the claims are now in condition for allowance.

<u>Item 3.</u>   This item does not require a response.

<u>Item 4.</u>   This item does not require a response.

REVOCATION OF PREVIOUS POWERS OF ATTORNEY

A true copy of a POWER OF ATTORNEY is enclosed which revokes all previous powers of attorney and appoints the undersigned as attorney in this case.

CHANGE OF ADDRESS FOR FUTURE CORRESPONDENCE

In accordance with the POWER OF ATTORNEY enclosed herein, please note that the new attorney docket number is 031041.009 and that the new address for all correspondence for this patent application is:

Charles L. Warner II
SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

NOTICE OF STATEMENT UNDER 37 CFR 3.73(b)

A statement under 37 CFR 3.73(b) is enclosed.

RECORD OF TELEPHONE CONFERENCE

On April 20, 1998, the undersigned faxed a draft of proposed changes to the Examiner for consideration. On April 27, 1998, the undersigned contacted the Examiner to discuss the proposed changes to the Declarations. The Examiner indicated that the proposed changes addressed the rejection of the previous declarations. The courtesy of the Examiner in reviewing the proposed language is acknowledged and appreciated.

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CONCLUSION

It is believed that the above is completely responsive to the Office Action mailed March 27, 1998, that the Second Supplemental Declarations address the objections of the Patent Office, and that Claims 1-92 are allowable. If the Examiner believes that there are any issues which can be resolved by a telephone conference, or that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (404) 815-3737 to discuss same is respectfully requested.

Respectfully submitted,

By: Charles L. Warner II
Reg. No. 32,320

SMITH, GAMBRELL & RUSSELL, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592
Our Docket: 031041.009

CERTIFICATE UNDER 37 C.F.R. §3.73(b)

Applicants: <u>Aleksander Szlam, James W. Crooks, Jr., and Dean H. Harris</u>

Application No.: <u>08/449,887</u>   Filed: May 25, 1995

For: METHOD AND APPARATUS FOR DYNAMIC AND INTERDEPENDENT PROCESSING OF INBOUND CALLS AND OUTBOUND CALLS

<u>Inventions, Inc.</u>   , a <u>corporation of the State of Georgia</u>
(Name of Assignee)   (Type of Assignee e.g., corporation, partnership, university, government agency, etc.)

certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of either:

(XX) A.   An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 5339, Frame 0726.

OR

( ) B. A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1.   From: _____ To:_____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2.   From: _____ To:_____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

( ) Copies of assignments or other documents in the chain of title are attached.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned, a registered practitioner, is authorized and empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: June 9, 1998

Name: Charles L. Warner II

Reg. No.:   32,320

Signature: *Charles L Warner*

SGR File: 031041.009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

The undersigned hereby **REVOKES** any and all powers of attorney previously given for the following applications:

Serial Number	Filing Date	Inventors
08/449,887	May 25, 1995	Szlam et al.
08/754,151	November 22, 1996	Szlam et al.
08/764,324	December 12, 1996	Szlam et al.
08/840,906	April 17, 1997	Szlam et al.
08/908,854	August 8, 1997	Szlam et al.

The undersigned hereby **APPOINTS** Charles L. Warner II, Reg. No. 32,320, its attorney, with full power of substitution and revocation, to prosecute said applications, to make alterations and amendments therein, to receive the patents, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith.

It is requested that future Patent and Trademark Office correspondence in these cases be directed to:

Charles L. Warner II
Smith, Gambrell & Russell
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, GA 30309-3592

Direct all telephone calls to Charles L. Warner II at (404) 815-3737.

Date: 5/26/98

Aleksander Szlam, President
Assignee: Inventions, Inc.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:	)	
	)	
Aleksander Szlam, James W. Crooks, Jr.,	)	
and Dean H. Harris	)	
	)	Group Art Unit: **2608**
Serial No. **08/449,887**	)	
	)	
Filed: **May 25, 1995**	)	
	)	
For: **METHOD AND APPARATUS FOR**	)	
DYNAMIC AND INTERDEPENDENT	)	
PROCESSING OF INBOUND CALLS	)	
AND OUTBOUND CALLS	)	

SECOND SUPPLEMENTAL DECLARATION

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

As an above-named inventor, I, Aleksander Szlam, hereby declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention I hereby apply for a reissue patent.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error which arose without any deceptive intention on my part by reason of claiming less than I had a right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically

based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-92.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee. These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. These possible deficiencies were brought to my attention in connection with these licensing negotiations, which I attended. Although detailed information as to the operation of the competitor's product was not provided by the competitor at the time of the negotiations, and still has not been provided by the competitor, it is now believed that the competitor's product operates in a manner similar to that described in U.S. Patent No. 5,586,179, issued December 17, 1996.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus which adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus which allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more

important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which

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are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

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New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to

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the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work

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station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

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New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching

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means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls in response to the rate of placement; (4) responds to a detection means detecting the answering of outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 89 is an apparatus for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 89 requires a controller, coupled to the ACD, which: (1) determines the number of incoming calls on hold; (2) responds to that number by directing a dialer to place an outbound telephone call to a called party; (3) responds to an operator being available for directing the ACD to connect the answered outbound telephone call to the work station of the available operator; (4) establishes a data signal path between a database containing called party data and the work station of the available operator; and (5) retrieves and transfers called party data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 90 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 90 requires the steps of: (1) determining the number of incoming calls on hold; (2) providing a dialer-controller which is coupled to the ACD; (3) responding to the number of incoming calls on hold by placing an outbound telephone call to a predetermined number; (4) detecting an answered outbound telephone call; (5) responding to detection of the outbound telephone call being answered and to an operator being available by directing the ACD to connect the answered outbound telephone call to the work station of said available operator; (6) establishing a data signal path between the dialer-controller and that work station; and (7) retrieving and transferring, to that work station, data associated with and concerning the called party. These steps are not specifically present in the existing claims.

New claim 91 is an apparatus for integrating outbound calling and telephone system

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control to an automatic call distributor (ACD) . There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 91 requires a controller, coupled to the ACD, which: (1) detects an available operator; (2) directs the ACD to connect an answered outbound telephone call to the work station of that operator; (3) establishing a data signal path between a data base and that work station; (4) retrieving data from the data base for the called party for that answered outbound call and transferring the data to that work station. This element and the functions thereof are not specifically present in the existing claims.

New claim 92 is a method for integrating outbound calling and telephone system control to an automatic call distributor (ACD). There are no existing claims which are directed to the specific manner of placing outbound calls based upon the number of incoming calls on hold. Claim 92 requires the steps of: (1) providing a dialer which is coupled to the ACD for placing an outbound telephone call; (2) providing a controller which is coupled to the ACD and the dialer for determining the number of incoming calls on hold; (3) responding to that number by placing an outbound telephone call with the dialer to the telephone number of a called party; (4) detecting the outbound telephone call being answered; (5) placing the answered outbound telephone call in a hold queue; (6) directing the ACD to connect that answered outbound telephone call to a work station of an available operator; (7) establishing a data signal path between a data storage device and that work station; and (8) retrieving and transferring data about the called party to that work station from the data storage device. These steps are not specifically present in the existing claims.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of sole or first inventor: Aleksander Szlam
Citizenship: U.S.A.
Residence: 4321 Hammerstone Court, Norcross, Georgia 30092
Post Office Address: Same as above

Inventor's Signature _____   Date April 23, 1998

Our Docket: 09280-0311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Aleksander Szlam, James W. Crooks, Jr.,)
and Dean H. Harris)
)
U.S. Patent No. 5,214,688)
Reissue Application No. 08/449,887)
)
Filed: May 25, 1995) Group Art Unit: 2743
)
For: METHOD AND APPARATUS FOR) Examiner: Huyen Le
DYNAMIC AND INTERDEPENDENT)
PROCESSING OF INBOUND CALLS)
AND OUTBOUND CALLS)

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The above-identified applicant respectfully requests a two-month extension of time within which to file a response to the Office Action dated August 6, 1997, to expire January 6, 1998. A check in the amount of $400.00 is enclosed herewith to cover the fee for a two-month extension.

Respectfully submitted,

Charles L. Warner

By: Charles L. Warner II
Reg. No. 32,320

JONES & ASKEW, LLP
37th Floor, 191 Peachtree Street
Atlanta, Georgia 30303-1769
(404) 818-3700
Our Docket: 09280-0311

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on January 6, 1998.

Charles L. Warner

Charles L. Warner II - Reg. No. 32,320

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)
Aleksander Szlam, James W. Crooks, Jr.,)
and Dean H. Harris)
)
)
U.S. Patent No. **5,214,688**)
Reissue Application No. **08/449,887**)
)
Filed: **May 25, 1995**) Group Art Unit: **2743**
)
For: **METHOD AND APPARATUS FOR**) Examiner: **Huyen Le**
DYNAMIC AND INTERDEPENDENT)
PROCESSING OF INBOUND CALLS)
AND OUTBOUND CALLS)

SECOND RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231
Sir:
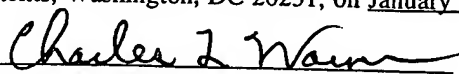
REMARKS

Responsive to the Office Action mailed August 6, 1997, please consider the remarks below.

<u>General Comment:</u> The Office Action mailed August 6, 1997 was generated in response to the rules in effect at that time. The rules have since been amended, effective December 1, 1997. Accordingly, the Office Action has been reviewed in light of the changes to the rules and the response below is believed to be completely responsive to the Office Action in view of the new rules and the Patent Office comments thereto. The Supplemental Declaration of the first named inventor, Mr. Szlam, states that he was present during the licensing negotiations which eventually resulted in this reissue application being filed. (Page 2, paragraph 2.) The Supplemental Declarations of inventors Crooks and Harris state that they were not present during the licensing negotiations but that they were informed of such by the Assignee. (Page 2, paragraph 2.) Otherwise, the Supplemental Declarations are the same. Therefore, referencing and commenting upon the Supplemental Declarations individually would simply and unnecessarily expand the length of this response by duplicating the statements. Accordingly, for the purpose of

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on <u>January 6, 1998.</u>

_____
Charles L. Warner II - Reg. No. 32,320

reducing the length of this response, wherever it is necessary in this response to reference the Supplemental Declarations, reference is made to the Supplemental Declaration of Mr. Szlam.

Item 1. The Office rejected the Supplemental Declarations (filed April 1, 1997) under 37 C.F.R. 1.175(a)(5), stating that the declarations failed to particularly specify the errors and/or how the errors relied upon arose or occurred, that the declarations fail to indicate who made the errors (or deficiencies) and why they were made, the reasons leading to these errors, what exactly the errors (or deficiencies) are discovered during the licensing negotiations, who discovered the errors, and whether all the errors were discovered during these licensing negotiations.

New rule 37 C.F.R. 1.175(a)(5), and the comments thereto, indicate that these requirements have been deleted and replaced with rule 37 C.F.R. 1.175(a)(1) which requires that only one error need be identified to provide a basis for reissue. The Supplemental Declaration of Mr. Szlam indicates that the error is:

> None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. (Page 1, last paragraph, through page 2.)
> New claim 74 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims. (Page 3, first paragraph.)

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The Supplemental Declaration of Mr. Szlam also addresses the deficiency of each of the other claims added by this reissue application. Therefore, it is respectfully submitted that the Supplemental Declaration of Mr. Szlam, and likewise of Messrs. Crooks and Harris, are in compliance with new rule 37 C.F.R. 1.175(a)(1).

<u>Item 2.</u>   The Office also rejected the Supplemental Declarations under 37 C.F.R. 1.175(a)(3), stating that the declarations failed to describe the actual error(s) in the patent (the excess or deficiency in the claims). New rule 37 C.F.R. 1.175, and the comments thereto, indicate that these requirements have been deleted. However, to the extent that any such requirement may still remain, reference is made to Page 2, last paragraph of the Supplemental Declaration of Mr. Szlam, which discusses the original independent claims. Reference is then made to Page 3, first paragraph, of the Supplemental Declaration of Mr. Szlam, which discusses new Claim 74 with respect to these original independent claims, and points out the differences between new Claim 74 and these original independent claims. The Supplemental Declaration of Mr. Szlam, at pages 3 through 10, also addresses the deficiency of, and discusses the comparison of, each of the other claims added by this reissue application. Therefore, it is respectfully submitted that the Supplemental Declaration of Mr. Szlam, and likewise of Messrs. Crooks and Harris, are in compliance with new rule 37 C.F.R. 1.175.

The Office also rejected the Supplemental Declarations, stating that the original specification did not provide support for the limitations as claimed, and asked that the Applicant point out where in the specification there was support for each of the independent claims. Such support is described below. Therefore, it is respectfully submitted that the original specification does provide support for the limitations as claimed. All references below to columns and lines and figures are with respect to the original patent in the case, US Patent No. 5,214,688 (the '688 patent).

With respect to Claim 74, the Office specifically requested identification of the part of the specification that supported "the limitation of adjusting the rate at which outbound calls are placed to compensate for the agents having been moved to handle inbound calls instead of outbound calls." The Office is referred to column 13, lines 30-64, and Figure 5, steps 104, 106, 110, and 107. With respect to the limitation of "automatically determining whether additional agents are needed for said inbound calls" the Office is referred to column 13, lines 22-25 and 51-54 and Figure 5, step 104. With respect to the limitation of "if additional agents are needed for said inbound calls then automatically reassigning, from outbound calls to inbound calls, at least

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one agent of said agents assigned to outbound calls" the Office is referred to column 13, lines 51-54 and Figure 5, step 110.

Referring now to Claim 75, with respect to the limitation of "automatically determining whether fewer agents are needed for said inbound calls" the Office is again referred to column 13, lines 22-25 and 51-54 and Figure 5, step 104. With respect to the limitation of "if fewer agents are needed for said inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of said agents assigned to inbound calls" the Office is referred to column 13, lines 25-30 and Figure 5, step 106. With respect to the limitation of "automatically adjusting said rate of placement of said outbound calls in response to said at least one agent being reassigned from inbound calls to outbound calls" the Office is again referred to column 13, lines 30-50 and Figure 5, step 107.

Referring now to Claim 76, with respect to the limitation of "selectably connecting answered outbound calls to said agents assigned to outbound calls and selected ones of said inbound calls to said agents assigned to inbound calls" the Office is again referred to column 13, lines 22-25 and 51-54 and Figure 5, step 104. With respect to the limitation of "placing the non-selected ones of said inbound calls on hold" the Office is referred to column 15, line 48 - column 16, line 2 and Figure 6, step 143. With respect to the limitation of "determining the on-hold time for said inbound calls on hold" the Office is referred to column 13, lines 25-50 and Figure 5, step 105. With respect to the limitation of "if said on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of said agents assigned to outbound calls" the Office is again referred to column 13, lines 51-58 and Figure 5, step 110. With respect to the limitation of "automatically adjusting said rate of placement of said outbound calls in response to said at least one agent being reassigned from outbound calls to inbound calls" the Office is again referred to column 13, lines 30-50 and Figure 5, step 107

Referring now to Claim 77, with respect to the limitation of "automatically determining at least one of the following values: (1) an average connection time for said outbound calls, and (2) a hit rate for said outbound calls" the Office is referred to column 11, lines 26-31, column 13, lines 16-17, and column 14, lines 55-61, and Figure 5, step 102. With respect to the limitation of "if said determined value is excessive then automatically performing a predetermined one of the following: (a) allowing a next inbound call to ring for a predetermined period before connected said next inbound call to an agent of said plurality of agents, (b) answering a next inbound call and placing said next inbound call on hold, and (c) answering a next inbound call and

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conducting an interactive session with said next inbound call" the Office is referred to column 15, line 48 - column 16, line 16, and Figure 6, steps 140, 141, 143, and 145.

Referring now to Claim 78, with respect to the limitation of the "fifth means ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "fifth means ... for determining whether additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 22-25 and 51-54 and Figure 5, step 104. With respect to the limitation of the "fifth means ... for reassigning, from outbound calls to inbound calls, at least one agent work station of said agent work stations assigned to outbound calls if additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 51-54 and Figure 5, step 110.

Referring now to Claim 79, with respect to the limitation of the "fifth means ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "fifth means ... for determining the on-hold time of said inbound calls on hold" the Office is referred to column 13, lines 25-50 and Figure 5, step 105. With respect to the limitation of the "fifth means ... for reassigning, from outbound calls to inbound calls, at least one agent work station of said agent work stations assigned to outbound calls if said on-hold time is excessive" the Office is referred to column 13, lines 51-58 and Figure 5, step 110.

Referring now to Claim 80, with respect to the limitation of the "fifth means ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "fifth means ... for determining at least one of the following values: (1) an average connection time for said outbound calls, and (2) a hit rate for said outbound calls" the Office is referred to column 11, lines 26-31, column 13, lines 16-17, and column 14, lines 55-61, and Figure 5, step 102. With respect to the limitation of the "fifth

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means ... for performing a predetermined one of the following if said determined value is excessive: (a) allowing a next inbound call to ring for a predetermined period before connecting said next inbound call to an agent work station, (b) answering a next inbound call and placing said next inbound call on hold, and (c) answering a next inbound call and conducting an interactive session with said next inbound call" the Office is referred to column 15, line 48 - column 16, line 16, and Figure 6, steps 140, 141, 143, and 145.

Referring now to Claim 81, the Office specifically requested identification of the part of the specification that supported "the limitation of moving the agents to handle the inbound calls, which have the specific element of ACD and which have the specific element of a controller." The Office is referred to: (1) column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD; (2) column 4, line 14 - column 6, line 30, and Figure 1, item 11, for a description of the controller 11 and its functions.

Referring now to Claim 82, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, for placing outbound calls, for detecting the answering of said outbound calls, and for selectably connecting said outbound calls and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "controller ... for determining whether additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 25-50 and Figure 5, step 105. With respect to the limitation of the "controller ... for reassigning, from outbound calls to inbound calls, at least one agent work station of said agent work stations assigned to outbound calls if additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 51-58 and Figure 5, step 110.

Referring now to Claim 83, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, for placing outbound calls, and for selectably connecting said outbound calls and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of

placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of "the controller ... for determining whether additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 25-50 and Figure 5, step 105. With respect to the limitation of "the controller ... for reassigning, from outbound calls to inbound calls, at least one agent work station of said agent work stations assigned to outbound calls if additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 51-58 and Figure 5, step 110.

Referring now to Claim 84, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, for placing outbound calls, for detecting the answering of said outbound calls, and for selectably connecting said outbound calls and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "controller ... for determining whether additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 25-50 and Figure 5, step 105. With respect to the limitation of "the controller ... for reassigning, from outbound calls to inbound calls, at least one agent work station of said agent work stations assigned to outbound calls if additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 51-58 and Figure 5, step 110.

Referring now to Claim 85, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, for placing outbound calls, and for selectably connecting said outbound calls and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines

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42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "controller ... for determining at least one of the following values: (1) an average connection time for said outbound calls, and (2) a hit rate for said outbound calls" the Office is referred to column 11, lines 26-31, column 13, lines 16-17, and column 14, lines 55-61, and Figure 5, step 102. With respect to the limitation of the "controller ... for performing a predetermined one of the following if said determined value is excessive: (a) allowing a next inbound call to ring for a predetermined period before connecting said next inbound call to an agent work station, (b) answering a next inbound call and placing said next inbound call on hold, and (c) answering a next inbound call and conducting an interactive session with said next inbound call" the Office is referred to column 15, line 48 - column 16, line 16, and Figure 6, steps 140, 141, 143, and 145.

Referring now to Claim 86, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, for placing outbound calls, for detecting the answering of said outbound calls, and for selectably connecting said outbound calls and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "controller ... for determining at least one of the following values: (1) an average connection time for said outbound calls, and (2) a hit rate for said outbound calls" the Office is referred to column 11, lines 26-31, column 13, lines 16-17, and column 14, lines 55-61, and Figure 5, step 102. With respect to the limitation of the "controller ... for performing a predetermined one of the following if said determined value is excessive: (a) allowing a next inbound call to ring for a predetermined period before connecting said next inbound call to an agent work station, (b) answering a next inbound call and placing said next inbound call on hold, and (c) answering a next inbound call and conducting an interactive session with said next inbound call" the Office is referred to column 15, line 48 - column 16, line 16, and Figure 6, steps 140, 141, 143, and 145.

Referring now to Claim 87, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, and for selectably connecting said outbound calls

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and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "controller ... for determining whether additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 25-50 and Figure 5, step 105. With respect to the limitation of the "controller ... for reassigning, from outbound calls to inbound calls, at least one agent work station of said agent work stations assigned to outbound calls if additional agent work stations are needed for said inbound calls" the Office is referred to column 13, lines 51-58 and Figure 5, step 110.

Referring now to Claim 88, with respect to the limitation of "an automatic call distributor (ACD) for detecting inbound calls, and for selectably connecting said outbound calls and said inbound calls to said agent work stations" the Office is referred to column 4, lines 18-19, and column 6, lines 31-41, which specify that the switch 14 may be an ACD. With respect to the limitation of the "controller ... for determining a rate of placement of said outbound calls in response to said agent work stations being assigned to outbound calls" the Office is referred to column 4, line 14 - column 6, line 30, column 12, lines 42-46, column 13, lines 30-44, column 16, lines 30-36, Figure 1, item 11, and Figure 4, step 92, Figure 5, step 107, and Figure 6, step 153, for a description of the controller 11 and this function. With respect to the limitation of the "controller ... for determining at least one of the following values: (1) an average connection time for said outbound calls, and (2) a hit rate for said outbound calls" the Office is referred to column 11, lines 26-31, column 13, lines 16-17, and column 14, lines 55-61, and Figure 5, step 102. With respect to the limitation of the "controller ... for performing a predetermined one of the following if said determined value is excessive: (a) allowing a next inbound call to ring for a predetermined period before connecting said next inbound call to an agent work station, (b) answering a next inbound call and placing said next inbound call on hold, and (c) answering a next inbound call and conducting an interactive session with said next inbound call" the Office is referred to column 15, line 48 - column 16, line 16, and Figure 6, steps 140, 141, 143, and 145.

Referring now to Claim 89, with respect to the limitation of "a controller ... for at least determining a number of said incoming calls on hold in said at least one predetermined hold

queue, and responsive to at least said number of said incoming calls on hold in said at least one predetermined hold queue, for directing said telephone dialer to place at least one said outbound telephone call to a called party" the Office is referred to column 14, line 51 - column 15, line 2. With respect to the limitation "wherein said controller establishes a data signal path between at least one database containing called party data and said work station of said available operator, for at least retrieving and transferring called party data to said work station, said called party data associated with and concerning said called party which is presently being connected to said available operator" the Office is referred to column 4, line 14 - column 6, line 41.

Referring now to Claim 90, with respect to the limitation of "determining a number of said incoming calls on hold in said at least one predetermined hold queue" and the limitation of "responsive to said determination of said number of incoming calls on hold in said at least one predetermined hold queue, placing at least one outbound telephone call over one of said plurality of telephone lines to at least one predetermined number"" the Office is referred to column 14, line 51 - column 15, line 2. With respect to the limitation "responsive to said detecting of an answered outbound telephone call and to a said operator being available, directing said ACD to connect said answered outbound telephone call to said work station of said available operator" and the limitation "establishing a data signal path between said dialer-controller and said work station of said available operator" and the limitation "retrieving and transferring data to said work station of said available operator, said data associated with and concerning said called party at said answered outbound telephone call which is connected to said available operator" the Office is referred to column 4, line 14 - column 6, line 41.

Referring now to Claim 91, with respect to the limitation of "a controller, coupled to said ACD, for detecting at least one said available operator, for directing said ACD to connect said at least one outbound telephone call answered by a called party to said work station of said at least one available operator" the Office is referred to column 4, line 14 - column 6, line 41. With respect to the limitation "a dialer, coupled to said ACD and responsive to said controller, for placing at least one outbound telephone call over one of said plurality of telephone lines coupled to said ACD to at least one predetermined telephone number" the Office is referred to column 4, lines 14-23, column 5, lines 2-9, and Figure 1. With respect to the limitation "said controller for establishing a data signal path between a data base and said work station of said at least one available operator, for retrieving data from said data base, and for transferring said data to said work station, said data associated with and concerning said called party being connected to said at

least one available operator" the Office is referred to column" the Office is referred to column 5, lines 12-24.

Referring now to Claim 92, with respect to the limitation of "providing a dialer, coupled to said ACD, for placing at least one outbound telephone call" the Office is referred to column 4, lines 14-23, column 5, lines 2-9, and Figure 1. With respect to the limitation "providing a controller, coupled to said ACD and to said dialer, for at least determining a number of incoming calls on hold in said at least one hold queue" and the limitation "responsive to said determination of said number of said incoming calls on hold in said at least one hold queue, placing at least one outbound telephone call with said dialer, over one of said plurality of telephone lines coupled to said ACD, to at least one predetermined telephone number" the Office is referred to column 14, line 51 - column 15, line 2. With respect to the limitation "directing said ACD to connect said at least one answered outbound telephone call on hold in said at least one hold queue to a work station of an available operator" the Office is referred to column 5, lines 12-16. With respect to the limitation "establishing a data signal path between a data storage device and said work station of an available operator" and the limitation "retrieving and transferring data to said work station of said available operator from said data storage device, said data being associated with and concerning a called party on said answered outbound telephone call connected to said available operator" the Office is referred to column 5, lines 12-24.

Item 3.   The Office also indicated that if the errors arose due to the prosecuting attorney's conduct, then corroborating affidavit(s) were required under 37 C.F.R. 1.175(b). New rule 37 C.F.R. 1.175, and the comments thereto, indicate that the underlying requirements of old 37 C.F.R. 1.175(a) have been so changed or deleted that the Supplemental Declarations of the inventors are now adequate and that corroborating affidavit(s) are no longer necessary.

Item 4.   This item does not require a response other than as set forth in the response to Items 1-3, above.

Item 5.   This item does not require a response.

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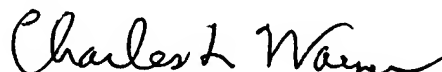
RECORD OF TELEPHONE CONVERSATION

On October 15, 1997, the undersigned contacted the Examiner to discuss the Office Action, the information in the Supplemental Declarations, and details of a response to the Office Action. The claims were not discussed in detail nor was an agreement reached with respect to any of the claims. On October 28, 1997, the Examiner contacted the undersigned to advise of the new rules which go into effect on December 1, 1997. The undersigned thanks the Examiner for the courtesy of the telephone conferences, and especially for advising of the effective date of the new rules.

CONCLUSION

It is believed that the above is completely responsive to the Office Action mailed August 6, 1997, and that the Reissue Application is now in condition for examination and allowance. Such action is respectfully submitted. If the Examiner believes that there are any issues which can be resolved by a telephone conference or any informalities that can be corrected by an Examiner's Amendment a telephone call to the undersigned at (404) 818-3737 is respectfully solicited.

Respectfully submitted,

Charles L. Warner

By: Charles L. Warner II
       Reg. No. 32,320

JONES & ASKEW, LLP
37th Floor, 191 Peachtree Street
Atlanta, Georgia 30303-1769
(404) 818-3700
Our Docket: 09280-0311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)

Aleksander Szlam, James W. Crooks, Jr.,)
and Dean H. Harris)
)
)
U.S. Patent No. 5,214,688)
Reissue Application No. 08/449,887)
)
Filed: **May 25, 1995**)
)
For: **METHOD AND APPARATUS FOR**)
DYNAMIC AND INTERDEPENDENT)
PROCESSING OF INBOUND CALLS)
AND OUTBOUND CALLS)

EM065039990US

Group Art Unit: **2608**

Examiner Huyen Lee

AMENDMENT & RESPONSE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

AMENDMENT

Responsive to the Office Action mailed October 2, 1996, please add claims 89-92.
A set of the new claims, claims 89-92, is attached at the end of this Amendment and Response. A
check for $320 for the four additional claims, 89-92, is enclosed.

REMARKS

Responsive to the Office Action mailed October 2, 1996, please consider the
attached documents and the remarks below.

<u>Item 1A.</u>   The Examiner rejected the Declarations under 37 C.F.R. 1.175,
particularly 37 C.F.R. 1.175(a)(3), stating that the declarations failed to distinctly specify the
excesses or insufficiencies of the claims by specifically pointing out the difference in scope
between the original claims and the added reissue claims. The Examiner also asked how the patent

claimed less than it had a right to claim and, if the original patent is partly or wholly inoperative, why the original claims were not amended and the new claims were necessary.

The Supplementary Declarations state that none of the existing claims of the patent are specifically directed to those aspects of the invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. The particular aspects of the invention sought to be specifically claimed by this reissue application are of the nature that new claims are required, rather than amendments to existing claims.

<u>Item 1B.</u>   The Examiner rejected the Declarations under 37 C.F.R. 1.175(a)(5), stating that the declarations failed to specifically point out the errors, how they arose, the manner in which the errors arose, and the manner in which and circumstances under which the errors were discovered. The Supplementary Declarations state that the inventors believed that the original claims covered their invention but that, during licensing negotiations with a competitor of the assignee, covering the period from July 1993 to March 1995, the competitor repeatedly asserted that the existing claims did not cover the competitor's product. Precise details of the operation of the competitor's product were not provided during negotiations but the duration of the negotiations and the result thereof indicated that the invention may not have been claimed as broadly as is allowable or as is desirable. It is now believed that the competitor's product operates in the manner described in the later-filed, later-issued U.S. Patent No. 5,586,179. A copy of this

patent is enclosed, along with form PTO-1449. The Examiner may wish to consider whether an interference between this reissue application and U.S. Patent No. 5,586,179 is appropriate.

Item 1C.   The Examiner rejected the Declarations as being inconsistent with the newly submitted claims in that the Declarations referred to claims 74-87 while claims 74-88 were submitted. The Supplementary Declarations refer to claims 74-92, which includes claims 74-88 as filed with the reissue application and claims 89-92 as filed with this Amendment and Response.

Item 2.   This item does not require a response.

Item 3.   This item does not require a response.
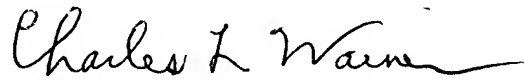
Item 4.   The Examiner indicated that a proper certification under 37 C.F.R. 3.37(b) was needed. This rule could not be located and it is believed that the Examiner was referring to 37 C.F.R. 3.73(b). A certification under 37 C.F.R. 3.37(b) is enclosed.

Item 5.   This item does not require a response.

CONCLUSION

It is believed that the above is completely responsive to the Office Action mailed October 2, 1996, and that the Reissue Application is now in condition for examination and allowance. Such action is respectfully submitted. If the Examiner believes that there are any issues which can be resolved by a telephone conference or any informalities that can be corrected by an Examiner's Amendment a telephone call to the undersigned at (404) 818-3737 is respectfully solicited.

Respectfully submitted,

By: Charles L. Warner II
Reg. No. 32,320

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37th Floor, 191 Peachtree Street
Atlanta, Georgia 30303-1769
(404) 818-3700
Our Docket: 09280-0311

89.   A system for integrating outbound calling and telephone system control to an automatic call distributor (ACD) coupled to a plurality of telephone lines for receiving incoming calls from a plurality of callers and for placing said incoming calls on hold in at least one predetermined hold queue, each of said incoming calls to be distributed and

5   connected to an available operator from among a plurality of operators, each operator having a work station connected to said ACD, each work station comprising an audio device for allowing an operator to converse with a connected party and a data device for allowing said operator to send and receive information concerning said connected party, said system comprising:

10   a telephone dialer for placing at least one outbound telephone call over at least one of said plurality of telephone lines coupled to said ACD, to at least one predetermined telephone number;

              a controller, coupled to said ACD, for at least determining a number of said incoming calls on hold in said at least one predetermined hold queue, and responsive to at

15   least said number of said incoming calls on hold in said at least one predetermined hold queue, for directing said telephone dialer to place at least one said outbound telephone call to a called party, and wherein said controller is responsive to a said operator being available for directing said ACD to connect an answered said outbound telephone call to said work station of said available operator; and

20   wherein said controller establishes a data signal path between at least one database containing called party data and said work station of said available operator, for at least retrieving and transferring called party data to said work station, said called party data associated with and concerning said called party which is presently being connected to said available operator.

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90.   A method for integrating outbound calling and overall system control with an automatic call distributor (ACD) coupled to a plurality of telephone lines, said ACD being for receiving incoming calls, for placing incoming calls on hold in at least one predetermined hold queue, and for distributing and connecting said incoming calls to an

5   available operator from among a plurality of operators, each operator having an agent work station comprising an audio device for allowing said operator to converse with a connected party and a data device for allowing said operator to send and receive information concerning said connected party, each said agent work station being coupled to said ACD, said method comprising the steps of:

10   determining a number of said incoming calls on hold in said at least one predetermined hold queue;

providing a dialer-controller, coupled to said ACD;

responsive to said determination of said number of incoming calls on hold in said at least one predetermined hold queue, placing at least one outbound telephone call

15   over one of said plurality of telephone lines to at least one predetermined number;

detecting an answered outbound telephone call placed by said dialer-controller to a called party;

responsive to said detecting of an answered outbound telephone call and to a said operator being available, directing said ACD to connect said answered outbound

20   telephone call to said work station of said available operator;

establishing a data signal path between said dialer-controller and said work station of said available operator; and

retrieving and transferring data to said work station of said available operator, said data associated with and concerning said called party at said answered

25   outbound telephone call which is connected to said available operator.

91.   A system for integrating outbound calling and telephone system control to an automatic call distributor (ACD) coupled to a plurality of telephone lines, said ACD receiving incoming calls from a plurality of callers, and for placing said incoming calls on hold in at least one predetermined hold queue, each of said plurality of incoming calls to be

5   distributed and connected to an available operator from among a plurality of operators, each · operator having an agent work station comprising an audio device for allowing said operator to converse with a connected party and a data device for allowing said operator to send and receive information concerning said connected party, each said agent work station being coupled to said ACD, said system comprising:

10   a controller, coupled to said ACD, for detecting at least one said available operator, for directing said ACD to connect said at least one outbound telephone call answered by a called party to said work station of said at least one available operator;

          a dialer, coupled to said ACD and responsive to said controller, for placing at least one outbound telephone call over one of said plurality of telephone lines coupled to

15   said ACD to at least one predetermined telephone number; and

          said controller for establishing a data signal path between a data base and said work station of said at least one available operator, for retrieving data from said data base, and for transferring said data to said work station, said data associated with and concerning said called party being connected to said at least one available operator.

20

92.   A method for adding and integrating outbound calling and overall system control to an automatic call distributor (ACD) coupled to a plurality of telephone lines, for receiving incoming calls and placing incoming calls on hold in at least one hold queue, and for distributing and connecting said incoming calls to an available operator from among a

5   plurality of operators, each operator having an agent work station comprising an audio device for allowing said operator to converse with a connected party and a data device for allowing said operator to send and receive information concerning said connected party, each said agent work station being coupled to said ACD, said method comprising the steps of:

10   providing a dialer, coupled to said ACD, for placing at least one outbound telephone call;

            providing a controller, coupled to said ACD and to said dialer, for at least · determining a number of incoming calls on hold in said at least one hold queue;

            responsive to said determination of said number of said incoming calls on

15   hold in said at least one hold queue, placing at least one outbound telephone call with said dialer, over one of said plurality of telephone lines coupled to said ACD, to at least one predetermined telephone number;

            detecting at least one answered outbound telephone call placed by said dialing means;

20   placing said at least one answered outbound telephone call in at least one hold queue;

            directing said ACD to connect said at least one answered outbound telephone call on hold in said at least one hold queue to a work station of an available operator;

25   establishing a data signal path between a data storage device and said work station of an available operator; and

            retrieving and transferring data to said work station of said available · operator from said data storage device, said data being associated with and concerning a called party on said answered outbound telephone call connected to said available operator.

30

Appendix D

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application   :   Aleksander Szlam
Serial No.   :   08/449,887
Filed   :   May 25, 1995
For   :   Method & Apparatus For Dynamic & Interdependent
                          Processing of Inbound Calls & Outbound Calls
Examiner   :   Huyen D. Le
Attorney's Docket   :   CONCERTO-500XX
Group Art Unit   :   2743

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on ___4/25/05___

By _____
                          Andrew R. Martin, Esq.
                          Registration No.45,413
                          Attorney for Applicant(s)

LETTER ENCLOSING CERTIFICATE OF CORRECTION

Attention Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Enclosed please find a Certificate of Correction for US patent RE36,416. The parent reissue application 08/449,887 for patent RE36,416 issued prior to examination of the child reissues application 09/437,414. If the parent reissue application issues without any cross reference to the continuation, amendment of the continuation should be required, which applicant should do by requesting a Certificate of Correction. See MPEP 1451. The attached Certificate of Correction amends patent RE36,416 to provide proper cross reference to the child continuation reissue application 09/437,414.

The Commissioner is hereby authorized to charge payment of any filing fees associated with this communication or credit any overpayment to Deposit Account No. 02-3285.

Respectfully submitted,

By _____
                          Andrew R. Martin, Esq.
                          Registration No. 45,413
                          Attorney for Applicant(s)
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                          Date: ___4/25/05___

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : Re. 36,416

DATED : Nov. 30, 1999

INVENTOR(S) : Aleksander Szlam, James W. Crooks, Jr., and Dean H. Harris

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Please insert the following paragraph between lines 9 and 10 of column 1:

"   CROSS-REFERENCE TO RELATED APPLICATIONS
US patent application 09/437,414 filed on November 10, 1999 is a continuation of US patent application 08/449,887 from which this Reissue patent issued."

MAILING ADDRESS OF SENDER: PATENT NO.   Re. 36,416

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Appendix E

Amendments filed on January 12, 2005

In the Claims:

1-92 (Cancelled)

93. (Currently Amended)   A method for managing communications, comprising:

processing inbound ~~communications~~calls;

processing outbound calls~~communications~~;

obtaining a statistic on said outbound ~~communications~~calls; and

adjusting said processing of said inbound calls~~communications~~ based upon said statistic.

94. (Currently Amended)   The method of claim 93, wherein said step of processing inbound ~~communications~~calls comprises connecting said inbound ~~communications~~calls to agents; and said step of adjusting said processing comprises reducing the number of said inbound ~~communications~~calls which are connected to said agents if said statistic exceeds a predetermined value.

95. (Currently Amended) The method of claim 93, wherein said step of processing inbound ~~communications~~calls comprises connecting said inbound ~~communications~~calls to agents; said step of obtaining a statistic on said outbound ~~communications~~calls comprises obtaining information on the duration of said outbound ~~communications~~calls, and said step of adjusting said processing comprises reducing the number of said inbound ~~communications~~calls which are connected to said agents if said duration exceeds a predetermined value.

96. (Currently Amended) A method for managing communications, comprising:

processing inbound ~~communications~~calls;

processing outbound ~~communications~~calls;

obtaining a statistic on said inbound ~~communications~~calls; and

adjusting said processing of said outbound ~~communications~~calls based upon said statistic.

97. (Currently Amended) The method of claim 96 wherein said step of processing outbound ~~communications~~calls comprises initiating said outbound ~~communications~~calls, and said step of adjusting comprises reducing the number of said outbound ~~communications~~calls which are initiated if said statistic exceeds a predetermined value.

98. (Currently Amended) The method of claim 96 wherein said step of processing outbound ~~communications~~calls comprises initiating said outbound ~~communications~~calls, said step of obtaining a statistic on said inbound ~~communications~~calls comprises obtaining information on the duration of said inbound ~~communications~~calls, and said step of

adjusting said processing comprises reducing the number of said outbound ~~communications~~calls which are initiated if said duration exceeds a predetermined value.

99. (Currently Amended)   A method for managing communications, comprising:

providing for the processing inbound ~~communications~~calls;

providing for the processing outbound ~~communications~~calls;

obtaining a statistic on said inbound ~~communications~~calls; and

providing for adjusting said processing of said outbound ~~communications~~calls based upon said statistic.

100. (Currently Amended)   The method of claim 99 wherein said step of providing for the processing outbound ~~communications~~calls comprises initiating said outbound ~~communications~~calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound ~~communications~~calls which are initiated if said statistic exceeds a predetermined value.

101. (Currently Amended)   The method of claim 99 wherein said step of providing for the processing of outbound ~~communications~~calls comprises initiating said

outbound ~~communications~~calls, said step of obtaining a
statistic comprises obtaining information on the
duration of said inbound ~~communications~~calls, and said
step of providing for adjusting said processing
comprises reducing the number of said outbound
~~communications~~calls which are initiated if said
duration exceeds a predetermined value.

In the Claims:

1-92 (Cancelled)

93. (Previously Presented)   A method for managing communications, comprising:

processing inbound communications;

processing outbound communications;

obtaining a statistic on said outbound communications; and

adjusting said processing of said inbound communications based upon said statistic.

94. (Previously Presented)   The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; and said step of adjusting said processing comprises reducing the number of said inbound communications which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Presented)   The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; said step of obtaining a statistic on said

outbound communications comprises obtaining

information on the duration of said outbound

communications, and said step of adjusting said

processing comprises reducing the number of said

inbound communications which are connected to said

agents if said duration exceeds a predetermined value.

96.   (Previously Presented)   A method for managing communications, comprising:

processing inbound communications;

processing outbound communications;

obtaining a statistic on said inbound communications; and

adjusting said processing of said outbound communications based upon said statistic.

97.   (Previously Presented)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, and said step of adjusting comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

98.   (Previously Presented)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, said step of obtaining a statistic on said inbound communications comprises obtaining information on the duration of said inbound communications, and said step of adjusting said

processing comprises reducing the number of said

outbound communications which are initiated if said

duration exceeds a predetermined value.

99. (Previously Presented) A method for managing communications, comprising:

provideng for the processing inbound communications;

providing for the processing outbound communications;

obtaining a statistic on said inbound communications; and

providing for adjusting said processing of said outbound communications based upon said statistic.

100. (Previously Presented) The method of claim 99 wherein said step of providing for the processing outbound communications comprises initiating said outbound communications, and said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

101. (Previously Presented) The method of claim 99 wherein said step of providing for the processing of outbound communications comprises initiating said outbound communications, said step of obtaining a

statistic comprises obtaining information on the
duration of said inbound communications, and said step
of providing for adjusting said processing comprises
reducing the number of said outbound communications
which are initiated if said duration exceeds a
predetermined value.

102. (New)   A method for managing communications, comprising:

processing inbound communications;

processing outbound communications into fixed and temporary queues;

obtaining a statistic on said temporary outbound queues; and

adjusting said processing of said inbound communications based upon said statistic.

103. (New)   The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; and said step of adjusting said processing comprises reducing the number of said inbound communications which are connected to said agents if said statistic exceeds a predetermined value.

104. (New)   The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; said step of obtaining a statistic on said outbound communications comprises obtaining information on the duration of said outbound communications, and said

step of adjusting said processing comprises reducing

the number of said inbound communications which are

connected to said agents if said duration exceeds a

predetermined value.

105. (New)   A method for managing communications, comprising:

processing inbound communications into fixed and temporary queues;

processing outbound communications;

obtaining a statistic on said temporary inbound queues; and

adjusting said processing of said outbound communications based upon said statistic.

106. (New)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, and said step of adjusting comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

107. (New)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, said step of obtaining a statistic on said inbound communications comprises obtaining information on the duration of said inbound communications, and said step of adjusting said processing comprises reducing the

number of said outbound communications which are
initiated if said duration exceeds a predetermined
value.

108. (New)   A method for managing communications, comprising:

providing for the processing inbound communications into fixed and temporary queues;

providing for the processing outbound communications;

obtaining a statistic on said temporary inbound queues; and

providing for adjusting said processing of said outbound communications based upon said statistic.

109. (New)   The method of claim 99 wherein said step of providing for the processing outbound communications comprises initiating said outbound communications, and said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

110. (New)   The method of claim 99 wherein said step of providing for the processing of outbound communications comprises initiating said outbound communications, said step of obtaining a statistic

comprises obtaining information on the duration of said inbound communications, and said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said duration exceeds a predetermined value.

Claims 1-88 (Canceled)

89. (Canceled)   A system for integrating outbound calling

and telephone system control to an automatic call

distributor (ACD) coupled to a plurality of telephone lines

for receiving incoming calls from a plurality of callers

and for placing said incoming calls on hold in at least one

predetermined hold queue, each of said incoming calls to be

distributed and connected to an available operator from

among a plurality of operators, each operator having a work

station connected to said ACD, each work station comprising

an audio device for allowing an operator to converse with a

connected party and a data device for allowing said

operator to send and receive information concerning said

connected party, said system comprising:

a telephone dialer for placing at least one outbound

telephone call over at least one of said plurality of

telephone lines coupled to said ACD, to at least one

predetermined telephone

a controller, coupled to said ACD, for at least

determining a number of said incoming calls on hold in said

at least one predetermined hold queue, and responsive to at

least said number of said incoming calls on hold in said at

least one predetermined hold queue, for directing said

telephone dialer to place at least one said outbound

telephone call to a called party, and wherein said

controller is responsive to a said operator being available for directing said ACD to connect an answered said outbound telephone call to said work station of said available operator; and

wherein said controller establishes a data signal path between at least one database containing called party data and said work station of said available operator, for at least retrieving and transferring called party data to said work station, said called party data associated with and concerning said called party which is presently being connected to said available operator.

90. (Canceled) A method for integrating outbound calling
and overall system control with an automatic call
distributor (ACD) coupled to a plurality of telephone
lines, said ACD being for receiving incoming calls, for
placing incoming calls on hold in at least one
predetermined hold queue, and for distributing and
connecting said incoming calls to an available operator
from among a plurality of operators, each operator having
an agent work station comprising an audio device for
allowing said operator to converse with a connected party
and a data device for allowing said operator to send and
receive information concerning said connected party each
said agent work station being coupled to said ACD, said
method comprising the steps of:

determining a number of said incoming calls on hold in
said at least one predetermined hold queue;

providing a dialer-controller, coupled to said ACD;

responsive to said determination of said number of
incoming calls on hold in said at least one predetermined
hold queue, placing at least one outbound telephone call
over one of said plurality of telephone lines to at least
one predetermined number;

detecting an answered outbound telephone call placed
by said dialer-controller to a called party;

responsive to said detecting of an answered outbound telephone call and to a said operator being available, directing said ACD to connect said answered outbound telephone call to said work station of said available operator;

establishing a data signal path between said dialer-controller and said work station of said available operator; and

retrieving and transferring data to said work station of said available operator, said data associated with and concerning said called party at said answered outbound telephone call which is connected to said available operator.

91. (Canceled)   A system for integrating outbound calling and telephone system control to an automatic call distributor (ACD) coupled to a plurality of telephone lines, said ACD receiving incoming calls from a plurality of callers, and for placing said incoming calls on hold in at least one predetermined hold queue, each of said plurality of incoming calls to be distributed and connected to an available operator from among a plurality of operators, each operator having an agent work station comprising an audio device for allowing said operator to converse with a connected party and a data device for allowing said operator to send and receive information concerning said connected party, each said agent work station being coupled to said ACD, said system comprising:

a controller, coupled to said ACD, for detecting at least one said available operator, for directing said ACD to connect said at least one outbound telephone call answered by a called party to said work station of said at least one available operator;

a dialer, coupled to said ACD and responsive to said controller, for placing at least one outbound telephone call over one of said plurality of telephone lines coupled to said ACD to at least one predetermined telephone number; and

said controller for establishing a data signal path between a data base and said work station of said at least

one available operator, for retrieving data from said data base, and for transferring said data to said work station, said data associated with and concerning said called party being connected to said at least one available operator.

92. (Cancelled) A method for adding and integrating outbound calling and overall system control to an automatic call distributor (ACD) coupled to a plurality of telephone lines, for receiving incoming calls and placing incoming calls on hold in at least one hold queue, and for distributing and connecting said incoming calls to an available operator from among a plurality of operators, each operator having an agent work station comprising an audio device for allowing said operator to converse with a connected party and a data device for allowing said operator to send and receive information concerning said connected party, each said agent work station being coupled to said ACD, said method comprising the steps of:

providing a dialer, coupled to said ACD. for placing at least one outbound telephone call;

providing a controller, coupled to said ACD and to said dialer, for at least determining a number of incoming calls on hold in said at least one hold queue;

responsive to said determination of said number of said incoming calls on hold in said at least one hold queue, placing at least one outbound telephone call with said dialer, over one of said plurality of telephone lines coupled to said ACD, to at least one predetermined telephone number;

detecting at least one answered outbound telephone call placed by said dialing means;

placing said at least one answered outbound telephone call in at least one hold queue;

directing said ACD to connect said at least one answered outbound telephone call on hold in said at least one hold queue to a work station of an available operator;

establishing a data signal path between a data storage device and said work station of an available operator; and

retrieving and transferring data to said work station of said available operator from said data storage device, said data being associated with and concerning a called party on said answered outbound telephone call connected to said available operator.

93. (Previously Presented) A method for managing communications, comprising:

processing inbound communications;

processing outbound communications;

obtaining a statistic on said outbound communications; and

adjusting said processing of said inbound communications based upon said statistic.

94. (Previously Presented) The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; and said step of adjusting said processing comprises reducing the number of said inbound communications which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Presented) The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; said step of obtaining a statistic on said outbound communications comprises obtaining information on the duration of said outbound

communications, and said step of adjusting said

processing comprises reducing the number of said

inbound communications which are connected to said

agents if said duration exceeds a predetermined value.

96.   (Previously Presented)   A method for managing communications, comprising:

processing inbound communications;

processing outbound communications;

obtaining a statistic on said inbound communications; and

adjusting said processing of said outbound communications based upon said statistic.

97.   (Previously Presented)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, and said step of adjusting comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

98.   (Previously Presented)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, said step of obtaining a statistic on said inbound communications comprises obtaining information on the duration of said inbound communications, and said step of adjusting said

processing comprises reducing the number of said

outbound communications which are initiated if said

duration exceeds a predetermined value.

99. (Previously Presented)   A method for managing communications, comprising:

   providing for the processing inbound communications;

   providing for the processing outbound communications;

   obtaining a statistic on said inbound communications; and

   providing for adjusting said processing of said outbound communications based upon said statistic.

100. (Previously Presented)   The method of claim 99 wherein said step of providing for the processing outbound communications comprises initiating said outbound communications, and said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

101. (Previously Presented)   The method of claim 99 wherein said step of providing for the processing of outbound communications comprises initiating said outbound communications, said step of obtaining a

statistic comprises obtaining information on the

duration of said inbound communications, and said step

of providing for adjusting said processing comprises

reducing the number of said outbound communications

which are initiated if said duration exceeds a

predetermined value.

Amendments filed on July 11, 2000

In the Claims:

Claims 1-92 (Canceled)

93. (New)   A method for managing communications, comprising:

   processing inbound communications;

   processing outbound communications;

   obtaining a statistic on said outbound communications; and

   adjusting said processing of said inbound communications based upon said statistic.

94. (New)   The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; and said step of adjusting said processing comprises reducing the number of said inbound communications which are connected to said agents if said statistic exceeds a predetermined value.

95. (New)   The method of claim 93, wherein said step of processing inbound communications comprises connecting said inbound communications to agents; said

step of obtaining a statistic on said outbound

communications comprises obtaining information on the

duration of said outbound communications, and said

step of adjusting said processing comprises reducing

the number of said inbound communications which are

connected to said agents if said duration exceeds a

predetermined value.

96. (New)   A method for managing communications, comprising:

   processing inbound communications;

   processing outbound communications;

   obtaining a statistic on said inbound communications; and

   adjusting said processing of said outbound communications based upon said statistic.

97. (New)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, and said step of adjusting comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

98. (New)   The method of claim 96 wherein said step of processing outbound communications comprises initiating said outbound communications, said step of obtaining a statistic on said inbound communications comprises obtaining information on the duration of said inbound communications, and said step of adjusting said processing comprises reducing the number of said outbound communications which are

initiated if said duration exceeds a predetermined

value.

99. (New)   A method for managing communications, comprising:

  providing for the processing inbound communications;

  providing for the processing outbound communications;

  obtaining a statistic on said inbound communications; and

  providing for adjusting said processing of said outbound communications based upon said statistic.

100. (New)   The method of claim 99 wherein said step of providing for the processing outbound communications comprises initiating said outbound communications, and said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said statistic exceeds a predetermined value.

101. (New)   The method of claim 99 wherein said step of providing for the processing of outbound communications comprises initiating said outbound communications, said step of obtaining a statistic

comprises obtaining information on the duration of said inbound communications, and said step of providing for adjusting said processing comprises reducing the number of said outbound communications which are initiated if said duration exceeds a predetermined value.

Appendix F

LIST OF INFORMATION DISCLOSED BY APPLICANT
(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.	FILING DATE
CONCERTO-500AX	09/437,414	November 10, 1999

APPLICANT	GROUP
Szlam et al.	2645

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME		CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	4,066,847	1/3/78	Giordano				
	AB	4,408,100	10/4/83	Pritz et al.				
	AC	4,510,351	4/9/85	Costello et al.				
	AD	4,599,493	7/8/86	Cave				
	AE	4,837,799	6/6/89	Prohs et al.				
	AF	4,858,120	8/15/89	Samuelson				
	AG	4,896,345	1/23/90	Thorne				
	AH	4,933,964	6/12/90	Girgis				
	AI	4,988,209	1/29/91	Davidson et al.				
	AJ	5,067,149	11/19/91	Schneid et al.				
	AK	5,109,404	4/28/92	Katz et al.				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES	NO.
	AL						
	AM						
	AN						
	AO						

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	AP	
	AR	
	AS	
	AT	

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF INFORMATION DISCLOSED BY APPLICANT
(Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.	FILING DATE
CONCERTO-500AX	09/437,414	November 10, 1999
APPLICANT		GROUP
Szlam et al.		2645

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	NAME	TRANSLATION YES	NO.
	AL						
	AM						
	AN						
	AO						

OTHER REFERENCES *(Including Author, Title, Date, Pertinent Pages, Etc.)*

	AP	"Infoswitch Announces Automatic Inbound/Outbound Call Management System", *Telemarketing*, p. 10, November 1986
	AR	Durr, William A. Jr., "ACD Systems in the Telemarketing Environment", *Telemarketing*, pp. 47-49, February 1987
	AS	"ACM: Automatic Call Manager", Teknekron Infoswitch Corporation, Document No. 610035, pp. 1-6, 1986
	AT	"Preliminary Product Specification: ACM", Version 1.1, Teknekron Infoswitch Corporation, Document No. 610034, pp. 1-60, May 1987

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449/PTO	**Complete if Known**	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(Use as many sheets as necessary)*	Application Number	09/437,414
	Filing Date	11/10/1999
	First Named Inventor	Aleksander Szlam
	Art Unit	2645
	Examiner Name	Hoosain, Allan
Sheet _3_ of _3_	Attorney Docket Number	Concerto-500AX

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number — Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BA	US- 5,586,179	12/17/96	Stent et al.	
	BB	US- 4,199,665	4/1980	Emrick et al.	
	BC	US- 4,694,483	09/1987	Cheung	
	BD	US- 4,757,267	07/1988	Riskin	
	BE	US- 4,792,968	12/1988	Katz	
	BF	US- 4,797,911	01/1989	Szlam et al.	
	BG	US- 4,829,563	05/1989	Crockett et al.	
	BH	US- 4,878,240	10/1989	Lin et al.	
	BI	US- 4,939,771	07/1990	Brown et al.	
	BJ	US- 4,939,773	07/1990	Katz	
		US-			
		US-			
		US-			
		US-			
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